

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARIA C., a minor by and	:	CIVIL ACTION
through her parent and natural	:	
guardian, IRIS NEREIDA CAMACHO	:	
	:	
v.	:	
	:	
THE SCHOOL DISTRICT OF	:	
PHILADELPHIA	:	NO. 02-4336

MEMORANDUM AND ORDER

Fullam, Sr. J.

October , 2003

Plaintiffs have brought this action to recover attorneys' fees and expenses under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400-1485 ("IDEA"). Defendant has filed a motion to dismiss the complaint. The only basis alleged in the motion is the assertion that plaintiffs' action is premature, since plaintiffs have not yet furnished the defendant with a detailed bill. That problem has long since been obviated -- plaintiffs have presented defendant with a detailed bill.

Defendant's brief seems to argue that plaintiffs are not prevailing parties, hence not entitled to recover counsel fees and expenses. But the complaint repeatedly alleges that plaintiffs are the prevailing parties and have been granted relief in final administrative adjudications. And, although defendant has not filed a motion for summary judgment, the

extensive documentary record which has now been developed makes clear that plaintiffs are entitled to be reimbursed for at least some of their counsel fees and expenses. The motion to dismiss will therefore be denied.

Plaintiffs will be directed to furnish this Court with plaintiffs' final calculation and explanation of the fees sought; defendant will be afforded a reasonable time in which to dispute all or part of the amounts sought. In the unlikely event that an evidentiary hearing is required, one will be scheduled. This Court will make an appropriate allowance when the record is complete.

An Order follows.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARIA C., a minor by and	:	CIVIL ACTION
through her parent and natural	:	
guardian, IRIS NEREIDA CAMACHO	:	
	:	
v.	:	
	:	
THE SCHOOL DISTRICT OF	:	
PHILADELPHIA	:	NO. 02-4336

ORDER

AND NOW, this            day of October 2003, IT IS ORDERED:

1. Defendant's motion to dismiss is DENIED.

2. Plaintiffs shall, within ten days, submit to this Court and to the defendant a current statement and explanation of the amounts of attorney's fees and expenses sought. Within ten days thereafter, defendant may challenge any or all of the fees and expenses. This Court will thereupon either resolve the issue, or schedule an evidentiary hearing if required.

---

John P. Fullam, Sr. J.